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weight of said lotion, said skin conditioning component including glycerin in an amount between about 1% to about 10% of said lotion.

### REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Claims 2-10, 12-26, 28-38, and 40-52 are currently pending in the present application, including independent claims 18, 45, and 46. Independent claim 45, for instance, is directed to an absorbent paper product for drying and conditioning the skin of a user. The paper product includes a paper web that is applied with a lotion such that the add-on level of the lotion is between about 1% to about 15% by weight of the paper product. The lotion comprises water in an amount between about 10% to about 75% by weight of the lotion; an emollient component in an amount between about 1% to about 15% by weight of the lotion; a fatty alcohol component in an amount between about 5% to about 40% by weight of the lotion; an emulsifier component in an amount between about 1% to about 30% by weight of the lotion; and a skin conditioning component in an amount between about 5% to about 50% by weight of the lotion. The skin conditioning component also includes glycerin in an amount between about 1% to about 10% of the lotion.

In the Office Action, independent claim 45 was rejected under 35 U.S.C. §102(b), or alternatively, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,869,075 to Krzysik, et al. Krzysik, et al. is generally directed to a soft tissue product that is applied, on the surface, with large numbers of individual deposits

of a melted hydrophilic composition comprising a high molecular weight polyethylene glycol, a fatty alcohol, and lipophilic emollients or solvents including water. (Col 1, lines 41-46). The deposits are resolidified on the surface to form a uniform distribution of solid deposits on the tissue. (Col 1, lines 46-58). For example, the hydrophilic composition of Krzysik, et al. can include from about 30% to about 90% hydrophilic solvent, from about 10% to about 50% high molecular weight polyethylene glycol, and from about 5% to about 40% of a C<sub>14</sub> to C<sub>30</sub> fatty alcohol. (Col 1, lines 59-67). The composition can also include from about 0.01% to about 20% of lipophilic materials emulsified into the composition by surfactants. (Col 4, lines 13-24). One example of the solid formulation includes 15% propylene glycol, 1% stearakonium chloride, 50% polyethylene glycol, 10% cetyl alcohol, and 24% hydrogenated starch hydrolysate. (Col 5, lines 48-67). The total tissue add-on of the composition can be from about 0.5 to about 40 weight percent, more specifically from about 5 to about 30 weight percent, and more specifically, from about 10 to about 15 weight percent based on the weight of the tissue. (Col 4, lines 26-30).

However, Krzysik, et al. fails to disclose various limitations of the lotion composition of independent claim 45. For example, independent claim 45 requires the use of glycerin in the lotion composition in an amount of from about 1% to about 10% by weight of the composition. Because glycerin has an affinity for water, it can further enhance the retention of moisture on a person's skin and inhibit transepidermal water loss. (Appl. pg. 10). Although Krzysik, et al. discloses the use of humectants, such as glycerin or hydrogenated starch hydrolysate, it simply fails to disclose utilizing glycerin

in an amount of between about 1% to about 10% by weight of the lotion. For instance, the Examples set forth in Krzysik, et al. use either glycerin or hydrogenated starch hydrolysate in amounts ranging from 15% to 38.9% by weight of the respective composition. (Cols 4-8, Examples 1-15). On the other hand, independent claim 45 requires that glycerin be utilized in an amount from about 1% to about 10% by weight of the lotion. Such an amount can provide the desire moisturization of the skin without adversely affecting other properties of the lotion. In addition, although Krzysik, et al. mentions that water can be used as the hydrophilic solvent, none of the 15 examples provided therein utilize water as the solvent.

Applicants note that the distinctions discussed above are merely representative of the underlying failure of Krzysik, et al. to disclose the overall combination of components required by claim 45. Specifically, in determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. In this case, Krzysik, et al. fails to disclose or suggest the claimed invention as a whole, i.e., the particular selection and concentration ranges of the claimed lotion composition when applied to a paper product at the claimed add-on level. Thus, at least for the reasons set forth above, Applicants respectfully submit that independent claim 45 patentably defines over Krzysik, et al.

In the Office Action, Krzysik, et al. was also combined with various additional references to render obvious independent claims 18 and 46. For example, U.S. Patent No. 5,948,416 to Wagner, et al. was cited as teaching a humectant such as glycerin.

Wagner, et al. is directed to a leave-on skin care composition in the form of oil-in-water emulsions, liquid crystals, and crystalline gel products that contain 0.001-20% active agent, 1-20% hydrophobic structuring agent, and 0.05%-10% hydrophilic surfactant. As correctly noted by the Examiner, Wagner, et al. also mentions that a humectant may be optionally utilized in an amount of 0.1% to 20% by weight of the composition.

However, Wagner, et al. is directed to leave-on skin care compositions that are not applied to paper products. To the contrary, Krzysik, et al. describes a composition that is particularly designed to applied to a paper-based product (i.e., tissue product). In fact, the composition of Krzysik, et al. is resolidified on the surface of the tissue product to inhibit migration of the components into the interior of the product. Skin care compositions, such as described in Wagner, et al. are clearly not faced with the difficulties of lotion migration and one of ordinary skill in the art would thus not have been motivated to combine such references in the manner suggested in the Office Action. Nevertheless, even Wagner, et al. and Krzysik, et al. are combined in the manner suggested in the Office Action, Applicants still submit that the limitations of independent claim 45 as a whole would not have been obvious to one of ordinary skill in the art. Specifically, even if the composition taught in Krzysik, et al. were modified with Wagner, et al., one of ordinary skill in the art, when viewing the references in their entirety, would not have found it obvious to utilize the combination of all of the claimed ingredients in the claimed concentration ranges on a paper product at the claimed add-on level.

Besides Wagner, et al., various other references were also combined with

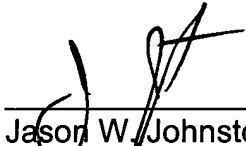
Krzysik, et al. to achieve the limitations of the present claims. For instance, U.S. Patent No. 5,871,763 to Luu, et al. was cited as teaching the use of certain emollients. U.S. Patent No. 5,648,083 to Bliezner, et al. was cited as teaching the use of dimethicone as a skin care compound. Finally, U.S. Patent No. 5,716,692 to Warner, et al. was cited as teaching different types of paper and methods of treating paper. Nevertheless, even assuming that these references disclose such limitations, they fail to cure the defects discussed above. Accordingly, for at least this reasons, Applicants respectfully submit that the present claims patentably define over the above-cited references, taken singularly or in any proper combination.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Joynes is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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## **APPENDIX A**

18. (Twice Amended) An absorbent paper towel for drying and conditioning the skin of a user, said towel having a basis weight from about 15 to about 45 pounds per ream, said towel comprising:

a paper web;

a lotion applied to said paper web such that the add-on level of said lotion is between about 1% to about 10% by weight of said paper towel, said lotion comprising the following components:

i) water in an amount between about 10% to about 75% by weight of said lotion;

ii) an emollient component in an amount between about 1% to about 15% by weight of said lotion, said emollient component including C<sub>12</sub>-C<sub>15</sub> alkyl benzoate;

iii) a fatty alcohol component in an amount between about 5% to about 40% by weight of said lotion, wherein said fatty alcohol component includes a fatty alcohol selected from the group consisting of cetyl alcohol, stearyl alcohol, cetearyl alcohol, arachidyl alcohol, behenyl alcohol, and combinations thereof;

iv) an emulsifier component in an amount between about 1% to about 30% by weight of said lotion, said emulsifier component including at least one emulsifier; and

v) a skin conditioning component in an amount between about 5% to about 50% by weight of said lotion, said skin conditioning component including glycerin in an amount of between about 1% to about 10% of said lotion.

45. (Amended) An absorbent paper product for drying and conditioning the skin of a user, said paper product comprising:

a paper web; and

a lotion applied to said paper web such that the add-on level of said lotion is between about 1% to about 15% by weight of said paper product, said lotion comprising:

- i) water in an amount between about 10% to about 75% by weight of said lotion;
- ii) an emollient component in an amount between about 1% to about 15% by weight of said lotion;
- iii) a fatty alcohol component in an amount between about 5% to about 40% by weight of said lotion;
- iv) an emulsifier component in an amount between about 1% to about 30% by weight of said lotion; and
- v) a skin conditioning component comprising between about 5% to about 50% by weight of said lotion, said skin conditioning component including [a humectant] glycerin in an amount between about 1% to about 10% of said lotion.

46. (Amended) A method for forming a paper product for drying and conditioning the skin of a user, said method comprising:

- forming a web from at least one furnish containing fibers and water;
- through-drying said web to remove water therefrom; and
- thereafter, treating said dried web with a lotion such that said lotion has an add-on level of between about 1% to about 15% by weight of said paper product, said lotion comprising:

- i) water in an amount between about 10% to about 75% by weight of said lotion;
- ii) an emollient component in an amount between about 1% to about 15% by



weight of said lotion;

iii) a fatty alcohol component in an amount between about 5% to about 40% by weight of said lotion;

iv) an emulsifier component in an amount between about 1% to about 30% by weight of said lotion; and

v) a skin conditioning component comprising between about 5% to about 50% by weight of said lotion, said skin conditioning component including [a humectant] glycerin in an amount between about 1% to about 10% of said lotion.